IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

AO/810/2006

Ajay Mohan and ors. ... Appellants
V/S
H. N. Rai & ors. ... Respondents

Mr. Aney with Mr. Subhash Joshi for appellant.
Mr. Rohit Kapadia for respondent nos. and 2& 4.
Mr. Navin Parekh for respondent nos. 5 to 4
Mr. Pradip Sancheti for respondent no.15.
I/b. Advocate Ramakant Yadav.

CORAM: D. G. KARNIK **J.**

DATE: 23rd November, 2006

P.C.:

1. Heard learned counsel for the appearing parties.
2. Mr. Aney, learned senior counsel for the appellant submits that the appellant wants to move the trial court for amendment of the plaint. In view of this he does not wish to proceed with the appeal. He however, submits that application for amendment is required to be considered by the trial court on its own merit and not on the basis of the observations made in the impugned order. The submission is accepted. Accordingly the appeal is permitted to be withdrawn with liberty to move the trial court for amendment of the plaint. If such an application is made the trial court

shall consider it on its own merit and without in any way influenced by the observations made in the impugned order.

3. The parties however are directed to maintain status quo for a period of 2 weeks.

(D.G. KARNIK J.)